

(3) Your response must also inform the complainant of his or her right to pursue DOT or DOJ enforcement action under this part, as applicable. DOT has enforcement authority under Title II of the ADA for public entities and under section 504 of the Rehabilitation Act for entities that receive Federal financial assistance; DOJ has enforcement authority under Title III of the ADA for private entities.

**§ 39.107 Where may persons obtain assistance with matters covered by this regulation?**

A passenger, PVO, or any other person may obtain information, guidance, or other assistance concerning 49 CFR part 39 from then DOT Departmental Office of Civil Rights and/or DOT Office of General Counsel, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**§ 39.109 What enforcement actions may be taken under this Part?**

(a) The Department of Transportation investigates complaints and conducts reviews or other inquiries into the compliance with this Part of PVOs that are Title II entities.

(b) As a PVO subject to Title II of the ADA, you must be prepared to provide to the Department of Transportation a written explanation of your action in any situation in which you exclude or restrict an individual with a disability or any mobility or other assistive device used by such an individual with respect to the use of your vessel.

(c) The Department of Transportation investigates complaints conducts compliance reviews or other inquiries into the compliance of this Part of PVOs, whether private or public entities, that receive Federal financial assistance from the Department, under section 504 of the Rehabilitation Act of 1973, as amended.

(d) The Department may refer any matter concerning the compliance of PVOs with this Part to the Department of Justice for enforcement action.

(e) The Department of Justice investigates complaints and conducts reviews or other inquiries into the compliance with this Part of PVOs that are Title III entities.

(f) The Department of Justice may file suit in Federal court against both

Title II and Title III PVOs for violations of this part.

**PART 40—PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS**

**Subpart A—Administrative Provisions**

Sec.

- 40.1 Who does this regulation cover?
- 40.3 What do the terms used in this part mean?
- 40.5 Who issues authoritative interpretations of this regulation?
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**Subpart B—Employer Responsibilities**

- 40.11 What are the general responsibilities of employers under this regulation?
- 40.13 How do DOT drug and alcohol tests relate to non-DOT tests?
- 40.14 What collection information must employers provide to collectors?
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- 40.19 [Reserved]
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- 40.26 What form must an employer use to report Management Information System (MIS) data to a DOT agency?
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- 40.31 Who may collect urine specimens for DOT drug testing?
- 40.33 What training requirements must a collector meet?
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